

MAR 18 2005

Wellstat Biologics Corporation

930 Clopper Road, Gaithersburg, MD 20878

(240) 631-2500 x3276

Fax: (240) 683-3794

FACSIMILE TRANSMITTAL**DATE: MARCH 18, 2005****PLEASE DELIVER THE FOLLOWING PAGES TO:****NAME: EXAMINER BAO Q. LI****GROUP ART UNIT: 1648****COMPANY: U.S. PATENT AND TRADEMARK OFFICE****FAX NO. (703) 872-9306****THIS FACSIMILE IS BEING SENT BY:****NAME: LEWIS KREISLER****Number of Pages (including this cover sheet): 6****If you do not receive all the pages please call Wellstat Biologics at (240) 631-2500 x3276**

**Re: Inventor(s): Atkins, et al.
Appl. No.: 10/717,101
Filed: November 19, 2003
For: PURGING OF CELLS USING VIRUSES
Atty. Ref. 18013-C1**

Transmitted herewith is/are the following document(s):**Information Disclosure Statement, PTO Form 1449, Fee Transmittal Sheet, and Certificate of Facsimile Transmission.*****Confidentiality Statement***

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MAR 18 2005

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By

Lewis J. Kreisler
Lewis J. Kreisler
Reg. No. 38522

Date:

3-18-2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Atkins, et al.	Atty. Ref.:	18013-C1
Appl. No.:	10/717,101	Group Art Unit:	1648
Filed:	November 19, 2003	Examiner:	Bao Q. Li
Conf. No.:	7313	Customer No.	31976
For:	ONCOLYTIC VIRUS		

* * * * *

March 18, 2005

Commissioner for Patents
Washington, D.C. 20231

Sir:

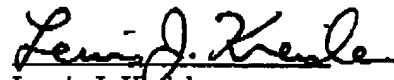
INFORMATION DISCLOSURE STATEMENT

Claims 1-2 and 5-7 of copending U.S. Application No. 10/743,639 and claims 1 and 4-6 of copending U.S. Application No. 10/743,649 have been provisionally rejected for alleged obviousness-type double patenting over claims 1-2 and 6-9 of the subject patent application. A form PTO-1449 and a copy of the allegedly conflicting claims from the '639 and the '649 applications are enclosed herewith.

Inventor(s): Atkins, et al.
Application No.: 10/717,101
Page 2

A fee sheet to cover the fee set forth in 37 CFR 1.17(p) is enclosed. If any additional fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,



Lewis J. Kreisler
Reg. No. 38522
Attorney for Applicant(s)

930 Clopper Road
Gaithersburg, MD 20878
Phone: (240) 631-2500 x3276
Facsimile: (240) 683-3794

Enclosures

Inventor(s): Atkins, et al.
Application No.: 10/717,101
Page 3

CLAIMS 1, 2 AND 5-7 FROM APPLICATION NO. 10/743,639

1. A method of reducing the viability of a tumor cell, comprising administering to the tumor cell a virus, wherein said virus is not a common human pathogen and said tumor cell is a carcinoma.
2. The method of claim 1, wherein the carcinoma is a lung carcinoma.
5. The method of claim 1, wherein the virus is a Rhabdovirus or a picornavirus.
6. The method of claim 5, wherein the virus is a Rhabdovirus.
7. The method of claim 6, wherein the Rhabdovirus is a vesicular stomatitis virus.

CLAIMS 1 AND 4-6 FROM APPLICATION NO. 10/743,649

1. A method of reducing the viability of a tumor cell, comprising administering to the tumor cell a virus, wherein said virus is not a common human pathogen and said tumor cell is a melanoma.
4. The method of claim 1, wherein the virus is a Rhabdovirus or a picornavirus.
5. The method of claim 4, wherein the virus is a Rhabdovirus.
6. The method of claim 5, wherein the Rhabdovirus is a vesicular stomatitis virus.

MAR 18 2005

PTO/SB/088 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1448/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/717,101
		Filing Date	November 19, 2003
		First Named Inventor	Harold Atkins
		Art Unit	1648
		Examiner Name	Bao Q. Li
		Attorney Docket Number	18013-C1
Sheet	1	of	1

DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		U.S. Application Number 10/743,639, claims 1-2 and 5-7.	
		U.S. Application Number 10/743,649, claims 1 and 4-6.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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FEE TRANSMITTAL
for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete, if Known

Application Number	10/717,101
Filing Date	November 19, 2003
First Named Inventor	Harold Atkins
Examiner Name	Bao Q. Li
Art Unit	1648
Attorney Docket No.	18013-C1

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit Account Number
Deposit Account Name

50-1677

Pro-Neuron, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-82** =	X	
Multiple Dependent	-3** =	X	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (Times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

SUBMITTED BY

Name (Print/Type)	Lewis J. Kreisler	Registration No. (Attorney/Agent)	38522	Telephone	240-631-2500
Signature	<i>Lewis J. Kreisler</i>	Date	3-18-2005		

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